

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

WARRIOR SPORTS, INC.,

Case No.: 09-cv-12102

Hon. Gerald E. Rosen

Magistrate Judge Mark A. Randon

Plaintiff/Counter-Defendant,

-vs-

DICKINSON WRIGHT, P.L.L.C., a Michigan  
Professional Limited Liability Company,

Defendant/Counter-Plaintiff

**ORDER GRANTING IN PART AND DENYING IN PART  
DICKINSON WRIGHT PLLC'S MOTION TO COMPEL NON-PARTY  
WARNER NORCROSS & JUDD TO COMPLY WITH SUBPOENA**

Dickinson Wright PLLC's Motion to Compel Non-Party Warner Norcross & Judd to Comply with Subpoena, Warner Norcross & Judd's brief in opposition, and Dickinson Wright's reply having been read and filed in this cause, and the motion having come before the Court for oral argument on the record on February 9, 2012, and the Court being otherwise advised in the premises;

**IT IS HEREBY ORDERED AND ADJUDGED** that Dickinson Wright PLLC's Motion is GRANTED in part for the reasons stated on the record, and in particular as follows:

**IT IS ORDERED** that Non-Party Warner Norcross & Judd ("WNJ") shall, in compliance with Dickinson Wright PLLC's ("DW") November 10, 2011 **Subpoena to Produce Documents, Information or Objects or to Permit Inspection of Premises in a Civil Action**, produce any and all memoranda, research memorandum, email, correspondence, or any other form of writing containing or reflecting analysis related in any manner to any aspect of WNJ's advice to Warrior regarding settling or the settlement of the

STX litigation, including those matters pertaining to the '216 patent to the extent they relate to settling the STX litigation, regardless of whether relied upon by WNJ counsel. Matters unrelated to these areas but contained with the documents may be redacted;

**IT IS FURTHER ORDERED** that should WNJ be unable to decide whether a particular document is responsive it may submit those limited items to the Court for *in camera* review prior to production;

**IT IS FURTHER ORDERED** that any and all electronically stored information ("ESI"), shall be produced as single-page TIFFs with a load file;

**IT IS FURTHER ORDERED** that the records produced pursuant to this order shall be for the time period inclusive of January 1, 2008 through October 31, 2008;

**IT IS FURTHER ORDERED** that WNJ shall bear all costs associated with production;

**IT IS FURTHER ORDERED** that the records/documents produced in response to DW's subpoena shall be delivered on or before **March 9, 2012**, to Garan Lucow Miller, P.C., c/o Timothy J. Jordan, 1000 Woodbridge, Detroit, Michigan, 48207-3108;

**IT IS FURTHER ORDERED** that WNJ shall produce the billing records for James Romzek and Gregory Bondarenko issued to Warrior as related to settling the STX litigation, including the '216 patent to the extent those matters related to the settlement analysis, regardless of whether relied upon by WNJ counsel. The billing rate and dollar amounts billed may be redacted;

**IT IS FURTHER ORDERED** that the balance of DW's Motion to Compel is DENIED.

This Order is subject to Fed. R. Civ. P. 72 and L.R. 72.2.

s/Mark A. Randon  
MARK A. RANDON  
UNITED STATES MAGISTRATE JUDGE

Dated: March 9, 2012

Certificate of Service

*I hereby certify that a copy of the foregoing document was served on the parties of record on this date, March 9, 2012, by electronic and/or first class U.S. mail.*

s/Melody R. Miles  
Case Manager to Magistrate Judge Mark A. Randon  
(313) 234-5542

w/consent Jonathan E. Moore  
JONATHAN E. MOORE (P70465)  
WARNER NORCROSS & JUDD LLP  
900 Fifth Third Center  
111 Lyon Street N.W.  
Grand Rapids, Michigan 49503-2487

/s/Timothy J. Jordan  
JOHN E. McSORLEY (P17557)  
TIMOTHY J. JORDAN (P46098)  
Counsel for Dickinson Wright  
1000 Woodbridge Street  
Detroit, Michigan 48207  
(313) 446-5531  
[tjordan@garanlucow.com](mailto:tjordan@garanlucow.com)

1006379